

REMARKS

Claims 1, 2, 4-20 and 24-41 are pending in the present application. The Office Action rejected claims 30 and 35 under 35 U.S.C. §102(b) as being anticipated by Guckel et al. (U.S. Patent No. 5,188,983). Additionally, the Office Action rejected claims 31-34 and 36-40 under 35 U.S.C. Section 103(a) as being unpatentable over Guckel et al. in view of Lewis (U.S. Patent No. 5,583,290). Finally, Applicant appreciates the Examiner's indication that claims 1, 2, 4-20, 24-29 and 41 are allowed.

During a telephonic interview on December 20, 2005, between the undersigned and Examiner Max Noori, two inconsistencies appearing in the November 2, 2005, Final Action were discussed. First, it was noted that there was an inconsistency between the Allowable Subject Matter indicated on Page 5 of the Office Action and the Response to Arguments section appearing on Page 6 of the Office Action. In particular, the Allowable Subject Matter section indicated that claims 1, 2, 4-20, 24-29 and 41 were allowed. On the other hand, the Response to Arguments section stated, "Applicant's arguments with respect to claims 1, 2, 4-20 and 24-41 have been considered but are moot in view of the new ground(s) of rejection." Upon discussing the fact that claims 1, 2, 4-20, 24-29 and 41 were indicated in the Office Action as both allowed and rejected, Examiner Noori noted that no detailed explanation or basis of rejection for these claims was included in the Office Action. Accordingly, Examiner Noori agreed with the conclusion that the indication that claims 1, 2, 4-20, 24-29, and 41 were rejected was erroneous and Applicant should consider the claims to be allowed.

The second point discussed during the telephonic interview was the rejection of claim 30. In particular, it was noted that claim 30, as amended in the previous Response, calls for "a microprocessor coupled to the detector to determine a measure of strain of the object as a function of the resonant frequency of the arm." However, the Office Action failed to address this element of claim 30 when discussing the proffered rejection in light of Guckel et al. Furthermore, when addressing the allowable subject matter, and, in particular, claim 14, the Office Action stated that the claim was

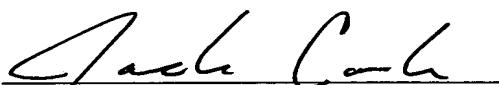
Serial No. 10/675,642
Reply to Office Action of November 2, 2005

allowable because it called for “a microprocessor coupled to the detector to calculate the strain at the arm as a function of the resonant frequency of the arm.” When addressing this inconsistency, Examiner Noori stated that it appears claim 30 should have been allowed for the same reasons that claim 14 was allowed. Thus, claims 31-40, which depend from claim 30, should also have been allowed. Accordingly, Applicant respectfully requests reconsideration of claims 30-40 and, in particular, the allowability of claim 30 over the prior art currently applied.

Upon such reconsideration, Applicant respectfully asserts that claims 30-40 should be found to be allowable and, thus, the application should be found to be in condition for allowance. Therefore, a timely issuance of a Notice of Allowance is respectfully requested. As always, the Examiner is invited to contact the undersigned at the telephone number appearing below if such would advance the prosecution of this application.

Although no additional fees are believed due for filing this Request for Reconsideration, if an additional fee is deemed to be due, please charge any fee to Deposit Account No. 17-0055.

Respectfully submitted,

By: 
Jack M. Cook, Reg. No. 56,098
Attorney for Applicant
Quarles & Brady LLP
411 E. Wisconsin Avenue
Milwaukee WI 53202-4497
(414) 277-5719